



Signed and Filed: August 18, 2022

A handwritten signature in black ink, appearing to read "Hannah L. Blumenstiel", is written over a horizontal line.

HANNAH L. BLUMENSTIEL
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:) Case No. 22-50511 HLB
KEVIN MOORE,)
Debtor.)

ORDER OF DISMISSAL

This case is scheduled to come before the court on September 7, 2022 for a hearing on Standing Chapter 13 Trustee Devin Derham-Burk's Motion to Dismiss.¹ On August 4, 2022, however, Debtor Kevin Moore filed a motion to dismiss.²

Debtor's Motion does not comply with B.L.R. 1017-2. It employs a form not approved for use in this district, and Mr. Moore's counsel did not upload an order on Debtor's Motion, which means it did not come to chambers' attention until the court began preparing for the September 7 calendar. The court reminds Mr. Moore's counsel that, if he intends to practice in the Northern District of California, he must become familiar with and abide by our local rules and procedures.

¹ Dkt. 27 (the "Trustee's Motion").

² Dkt. 29 (the "Debtor's Motion").

1 Despite counsel's negligence, Bankruptcy Code section
2 1307(b) "confers upon the debtor an absolute right to dismiss a
3 chapter 13 bankruptcy case, subject to the single exception
4 noted expressly in the statute itself."³ The sole exception to
5 a debtor's right to dismiss arises where the case was
6 previously converted under Bankruptcy Code sections 706, 1112,
7 or 1208.⁴ The exception does not apply in this case.

8 Accordingly, the court **ORDERS** as follows:

9 **1.** Debtor's Motion is hereby **GRANTED**;

10 **2.** This case is hereby **DISMISSED**, effective immediately;
11 **and**

12 **3.** The September 7, 2022 hearing on the Trustee's Motion
13 is hereby **VACATED**.

14
15 ****END OF ORDER****
16
17
18
19
20
21
22
23
24
25
26

27 ³ In re Nichols, 10 F.4th 956, 964 (9th Cir. 2021).

28 ⁴ Id. at 963.

Court Service List

Kevin Moore
12839 Airline Highway
Paicines, CA 95043